

AMENDED IN SENATE MARCH 23, 2010

SENATE BILL

No. 1372

Introduced by Senator Dutton

February 19, 2010

~~An act to amend Section 12080.7 of the Government Code, relating to state government reorganization. An act to add Section 11004.9 to the Government Code, relating to state government.~~

LEGISLATIVE COUNSEL'S DIGEST

SB 1372, as amended, Dutton. ~~State government: executive reorganization.~~ *State government: Indian relations.*

Existing law promotes the self-sufficiency of Indian tribes and evidences the good will, cooperation, and mutual respect between the state and Indian tribes.

This bill would require a state agency, as defined, to make a reasonable effort to collaborate with an Indian nation or tribe in the development and implementation of policies, agreements, and programs of the state agency that directly affect American Indians.

~~Existing law authorizes the Governor to prepare and present to the Legislature a reorganization plan of executive functions and prohibits a suit, action, or other proceeding against an agency or officer from being abated by the implementation of a reorganization plan.~~

~~This bill would make technical, nonsubstantive changes to these provisions.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~ yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. This act shall be known and may be cited as the*
2 *State-Tribal Collaboration Act.*

3 *SEC. 2. Section 11004.9 is added to the Government Code, to*
4 *read:*

5 *11004.9. (a) The following definitions shall apply to this*
6 *section:*

7 *(1) "American Indian" means any of the following individuals:*

8 *(A) A member of a federally recognized Indian tribe or nation.*

9 *(B) An individual who is subject to the provisions of Section*
10 *1153 of Title 18 of the United States Code as an Indian.*

11 *(C) An individual who has been deemed eligible for services*
12 *and programs provided to Indians by the United States Department*
13 *of Health and Human Services, the Bureau of Indian Affairs, or*
14 *other federal program.*

15 *(2) "Indian nation or tribe" means a federally recognized Indian*
16 *nation or tribe wholly or partially located within this state.*

17 *(3) "State agency" means a state agency, department, or office.*

18 *(b) A state agency shall make a reasonable effort to collaborate*
19 *with an Indian nation or tribe in the development and*
20 *implementation of policies, agreements, and programs of the state*
21 *agency that directly affect American Indians.*

22 *(c) Nothing in this section shall be deemed to create a right of*
23 *action against the state or a right of review of an action by a state*
24 *agency.*

25 ~~*SECTION 1. Section 12080.7 of the Government Code is*~~
26 ~~*amended to read:*~~

27 ~~*12080.7. No suit, action, or other proceeding lawfully*~~
28 ~~*commenced by or against the head of any agency or other officer*~~
29 ~~*of the state, in his or her official capacity or in relation to the*~~
30 ~~*discharge of his or her official duties, shall abate by reason of the*~~
31 ~~*taking effect of any reorganization plan under the provisions of*~~
32 ~~*this article.*~~